

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD BAEZ,

Plaintiff,

-against-

RCO RESTORATION CORP.,

Defendants.
-----X

| |
|---|
| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 8/14/2020 |
|---|

20-CV-1066 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On February 7, 2020, Plaintiff filed this action against Defendants Darwin Doe, William Morocho, and RCO Restoration Corp. (Doc. 1.) Plaintiff obtained summonses on February 10, 2020. (Docs. 7–9.) After Plaintiff failed to effect service of process within ninety days as required by Federal Rule of Civil Procedure 4(m), I ordered Plaintiff to demonstrate good cause for his failure to so serve, and subsequently granted Plaintiff an extension of time to serve process on Defendants. (Docs. 11, 13.) Although Plaintiff served Defendant RCO Restoration Corp. on May 19, 2020, Plaintiff has failed to serve Defendants Darwin Doe and William Morocho. (Doc. 14.) Furthermore, although Defendant RCO Restoration Corp.’s answer was due on June 9, 2020, (*id.*), Defendant RCO Restoration Corp. has failed to file an answer, but Plaintiff has taken no further action to prosecute this case.

Rule 4(m) states that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Because I extended Plaintiff’s time to serve Defendants Darwin Doe and William Morocho, and Plaintiff has failed to comply with my order, the claims against Defendants Darwin Doe and


William Morocho are dismissed without prejudice.

Furthermore, if Plaintiff intends to seek a default judgment against Defendant RCO Restoration Corp., he is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than August 31, 2020. If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation against Defendant RCO Restoration Corp, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

In accordance with this Order, the Clerk is directed to terminate Defendants Darwin Doe and William Morocho.

SO ORDERED.

Dated: August 14, 2020
New York, New York


Vernon S. Broderick
United States District Judge